

REMARKS

Applicants previously presented claims 13 through 32 for examination. In the above-identified Office Action, the Examiner has objected to informalities in the specification, and rejected all of the claims.

Information Disclosure Statement Issues

The Office Action indicated that the references previously submitted were not legible. Applicants are not certain why they are not legible. In any event, following the Examiner's suggestions, Applicants have re-submitted those references and have included a new Form PTO 1449 just for those references.

Objections to the Specification

The specification was objected to because the status of 09/656,390 needed to be updated. Following the Examiner's suggestion, Applicants have made the appropriate correction by updating the status accordingly.

Claim Rejection under 102

Claims 13-18 and 23-28 were rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Siefert (US 5,904,485). For at least the reasons set forth below, Applicants respectfully disagree with the rejection of these claims.

In general terms, Siefert pertains to teaching a student in a style that fits the student. It has an Intelligent Administrator (IA) that helps determine what to present to the student. For example, if "the student has successfully completed 12 of 60 lessons in analytic geometry", "the IA decides that lesson number 13 should be given next."¹ After presenting the materials to the student, the IA assesses the student. Based on the assessment, if the IA concludes that the student does not understand the materials, such as falling below a certain standard, the IA will attempt "a different teaching strategy"² or the

¹ Col. 9, lines 16-19, in Siefert.

² Col. 9, lines 64-65, in Siefert.

material will be “presented in a different way.”³ “If that fails, after a predetermined number of attempts, then the IA patches the student into a Subject Master Expert.”⁴

In other words, from a general sense, Siefert’s system teaches a student, and if the student does not understand, the system will teach the student again in a different way. If that still does not work, the system lets an expert teach the student.

Claims 13-16 and 23-26

Regarding independent claims 13 and 23, Siefert does not teach or suggest, for example, after the user has been assessed to have achieved at least a passing grade or to have understood a specific area, selecting the specific area of the subject for the user to work on. This feature is totally different from Siefert’s, where once Siefert’s system decides that the student has understood certain area, Siefert’s system moves on. Siefert’s system does not go back to the certain area.

Applicants’ claims 13 and 23 further clarify that before selecting the passed or understood area for the user to work on, the method selects one or more other areas for the user. In other words, the student could have understood area A, and then worked on area B before going back to area A. Also, the student may go back to area A even if the student has not achieved a certain satisfactory level of understanding in area B. Siefert has not taught or suggested such additional details.

For at least the reasons set forth above, Applicants submit that independent claims 13 and 23 are patentable over Seifert. Accordingly, Applicants respectfully request that the 102(e) rejection of these claims be reconsidered and withdrawn.

Claims 14-16 depend from and add additional features to independent claim 13, and claims 24-26 depend from and add additional features to independent claim 23. Applicants submit that these dependent claims are patentable for at least the reasons discussed above with regards to claims 13 and 23.

³ Siefert’s Abstract.

⁴ Col. 9, lines 65-67, in Siefert.

Claims 17-18 and 27-28

Regarding claims 17 and 27, these claims include the features of “retrieving materials relating a first area and a second area of the subject, with the user previously being assessed to have achieved a certain level of understanding in the first area, before retrieving materials in the second area, for the user to learn.” Such claimed features, for example, could provide a good way to transition from teaching area A to teaching area B by first teaching something that relates area A and area B.

It is unclear where Siefert teaches or suggests Applicants’ claimed features in the above paragraph. Applicants could not find anywhere in Siefert that has taught or suggested such limitations. If Siefert has taught or suggested such features, Applicants respectfully request that the Examiner identify them, as this is required under 37 C.F.R. 1.104(c)(2).

For at least the reasons set forth above, Applicants submit that independent claims 17 and 27 are patentable over Seifert. Accordingly, Applicants respectfully request that the 102(e) rejection of these claims be reconsidered and withdrawn.

Claim 18 depends from and adds additional features to independent claim 17, and claim 28 depends from and adds additional features to independent claim 27. Applicants submit that these dependent claims are patentable for at least the reasons discussed above with regards to claims 17 and 27.

Claim Rejection under 103

Claims 19-22 and 29-32 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Siefert in view of Lee et al. (US 5,267,865, hereinafter referred to as “Lee”). For at least the reasons set forth below, Applicants respectfully disagree with this rejection.

In general terms, Lee teaches an educational system that allows a student to enter homework assignments. Then the system can grade the answers and assign materials for the student to learn.⁵ It is not clear how Lee’s system assigns materials, other than the assertion that the system can “assign lesson segments to each student as the process flow

⁵ Col. 5, lines 2-25, in Lee.

continues to block 130.”⁶ Anyway, in “addition to lesson segments, blocks 144 and 146 generally indicate game and video subroutines, respectively, which can be selected by a student from the main screen if they have been sent to the student workstation by the teacher and/or a system program. These selections can be used to reward the student or merely to provide a break from the more educational materials.”⁷ After a predetermined amount of time has elapsed, the system “will return the student to the main screen where only lesson segment selections will be available so that the student can complete the assigned lessons for the day.”⁸

Thus, in a general sense, Lee teaches an educational system that somehow can assign materials for a student to learn. Also, the system rewards the student by allowing the student to play game subroutines for a predetermined amount of time.

Claims 19-20 and 29-30

Claims 19 and 29 include the limitations of “analyzing the test results using a relationship rule to suggest certain activity for the user, wherein the relationship rule defines at least a relationship between at least two areas of the subject.” Lee does not teach or suggest these features.

Claims 19 and 29 also include the features of determining a reward for the user with the reward depending on a previously-known preference of the user. While Lee mentions that game subroutines can be “sent to the student workstation by the teacher and/or a system program,”⁹ Lee does not provide additional details regarding the games. Rather, Lee merely states that “[f]urther detail regarding particular games and video programs and their control are beyond the scope of this disclosure and can be readily implemented using conventional means.”¹⁰

Lee does not teach or suggest, for example, that “the reward depends on a previously-known preference of the user”. In Lee, the student may dislike all the games sent to her workstation by the system program. Lee’s system program has no way of knowing the student’s taste. In distinct contrast, in Applicants’ claims 19 and 29, among

⁶ Col. 5, lines 18-19, in Lee.

⁷ Col. 7, lines 41-47, in Lee.

⁸ Col. 7, lines 52-55, in Lee.

⁹ Col. 7, lines 43-45, in Lee.

¹⁰ Col. 7, lines 55-58, in Lee.

other features, the reward depends on a preference of the user. Though unnecessary, Applicants has added the term “previously-known” before “preference”, to further distinguish the claimed invention from Lee’s. In fact, both Lee and Siefert, alone or in combination, have not taught or suggested such limitations.

Thus, it is submitted that Siefert and/or Lee, singly or in any combination, do not teach or suggest independent claims 19 and 29, and for at least the reasons noted above, their respective dependent claims 20 and 30.

Claims 21-22 and 31-32

Claims 21 and 31 require “analyzing the test results using a relationship rule to suggest certain activity for the user, wherein the relationship rule defines at least a relationship between at least two areas of the subject.” Lee does not teach or suggest these features.

As explained above, in a general sense, Lee teaches a system that allows a student to select games and learning programs after the student has finished working on learning materials. In Lee, “if the student has correctly answered all of the questions the flow loops back to the main screen block 140 of FIG. 2, whereat the student can access another lesson segment, request recreational material, or end for the day.”¹⁶ “In addition to lesson segments, this screen can also include selections such as games, movies or educational video programs...”^{17, 18} Students can select by touching color-coded figures on a touch-sensitive screen or by using a pointing device to click on the appropriate icon.¹⁹

This is distinctively different from determining whether to restrict the user from enjoying certain materials not for learning the subject by modifying a function of a device with respect to the certain materials, where the materials require the function to fulfill the materials’ entertainment purpose, as required in claims 21 and 31, and their dependent claims 22 and 32. Both Lee and Siefert have not taught or suggested such limitations.

¹⁶ Col. 7, lines 11-15, in Lee.

¹⁷ Col. 5, lines 42-44, in Lee.

¹⁸ Col. 7, lines 41-45, in Lee.

¹⁹ Col. 5, lines 51-55, in Lee.

Thus, it is submitted that Siefert and/or Lee, singly or in any combination, do not teach or suggest independent claims 21 and 31, and for at least the reasons noted above, their respective dependent claims 22 and 32.

Based on the foregoing, it is submitted that the claims 13, 17, 19, 21, 23, 27, 29 and 31 are patentably distinct from Siefert and/or Lee. In addition, it is submitted that their respective dependent claims 14-16, 18, 20, 22, 24-26, 28, 30 and 32 are also patentably distinct for at least the same reasons. Further the independent or the dependent claims recite additional elements which when taken in the context of the claimed invention further patentably distinguish the art of record. The additional limitations recited in the independent claims or the dependent claims are not further discussed as the above-discussed limitations are clearly sufficient to distinguish the claimed invention from Siefert and/or Lee. Thus, it is respectfully requested that the Examiner withdraw the rejections of claims 13-32 under 35 USC § 102(e) and §103(a).

Regarding the remaining references cited by the Examiner, since they have not been applied against any of the claims and do not appear properly applicable thereto, no further mention thereof will be made.

Summary

It is submitted that the specification is no longer objectionable. In addition, it is submitted that claims 13-32 are patentably distinct from the cited references. Reconsideration of the application and an early Notice of Allowance are earnestly solicited.

In the event that the Examiner, upon reconsideration, determines that an action other than an allowance is appropriate, the Examiner is requested and authorized to telephone Applicants' representative prior to taking such action, if the Examiner feels that such a telephone call will advance the prosecution of the present application.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned representative at the telephone number listed below.

Any required fee in connection with the filing of this response is to be charged to
Deposit Account No. 50-0727.

Respectfully submitted,

By: Peter Tong
Peter P. Tong
Registration No.: 35,757
1807 Limetree Lane
Mountain View, CA 94040
(650) 625-8192